

13 HIGHLY CONFIDENTIAL  
14 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

16 VIDEOTAPED DEPOSITION OF  
17 SHERRI HINKLE

19 January 25, 2019

21 Indianapolis Indiana

Page 2	Page 4
1	1 APPEARANCES: (Continued)
2	2 ON BEHALF OF CARDINAL HEALTH, INC.:
3	3 ARMSTRONG TEASDALE LLP
4	7700 Forsyth Boulevard, Suite 1800
5	St. Louis, Missouri 63105
6	314-621-5070
7	5 BY: SARAH E. HARMON, ESQ. sharmon@ArmstrongTeasdale.com
8	6 ON BEHALF OF CVS INDIANA, LLC AND CVS RX SERVICES, INC.:
9	7 ZUCKERMAN SPAEDER LLP
10	1800 M Street, NW, Suite 1000
11	Washington, D.C. 20036
12	10 202-778-1800
13	11 BY: R. MILES CLARK, ESQ. mclark@zuckerman.com;
14	12 PAUL B. HYNES, JR., ESQ. phynes@zuckerman.com
15	13 ON BEHALF OF ENDO HEALTH SOLUTIONS INC., ENDO
16	14 PHARMACEUTICALS INC., PAR PHARMACEUTICAL COMPANIES, INC.:
17	15 ARNOLD & PORTER KAYE SCHOLER LLP
18	16 250 West 55th Street
19	17 New York, New York 10019-9710
20	18 212-836-7408
21	19 BY: ZENO HOUSTON, ESQ. (Telephonically) zeno.houston@arnoldporter.com
22	20 ON BEHALF OF WALMART INC.:
23	21 JONES DAY
24	22 77 West Wacker Drive
	23 Chicago, Illinois 60601-1692
	24 312-269-4164
	BY: PAMELA I. YAACOUB, ESQ. (Telephonically) pyaacoub@jonesday.com
Page 3	
1	1 ALSO PRESENT:
2	2 PATTI CARDINAL, Paralegal (Telephonically)
3	3 Garson Johnson, LLC;
4	4 KAITLYN EEKHOFF, Law Clerk,
5	5 Motley Rice LLC
6	6 JOHN KNOWLES, Trial Technician
7	7 THE VIDEOGRAPHER:
8	8 MR. ANTHONY MICHELETTO, Golkow Litigation Services
9	9
10	10
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1 <b>I N D E X</b>	1        THE VIDEOGRAPHER: Counsel on the phone?
2	2        MS. YAACOUB: Pamela Yaacoub from Jones Day on
3   WITNESS:                    PAGE:	3   behalf of Walmart.
4   SHERRI HINKLE	4        MS. RUSSO: Shana Russo on behalf of
5   EXAM BY MR. ELSNER..... 8	5   AmerisourceBergen Drug Corporation and
6	6   AmerisourceBergen Corporation.
7                    *****	7        MR. HOUSTON: Zeno Houston from Arnold & Porter
8	8   on behalf of the Endo and Par defendants.
9 <b>E X H I B I T S</b>	9        THE VIDEOGRAPHER: Our court reporter today is
10 EXHIBIT NUMBER              MARKED FOR ID	10 Juliana Zajicek.
11                    NO EXHIBITS MARKED.	11        Please swear in the witness.
12	12        (WHEREUPON, the witness was duly
13	13        sworn.)
14	14 <b>SHERRI HINKLE</b> ,
15	15   called as a witness herein, having been first duly
16	16   sworn, was examined and testified as follows:
17	17 <b>EXAMINATION</b>
18	18   BY MR. ELSNER:
19	19        Q. Good morning.
20	20        A. Good morning.
21	21        Q. My name is Mike Elsner and I represent the
22	22   Plaintiffs in the case and I'm going to be asking you
23	23   a few questions this morning, okay?
24	24        A. Okay.
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1   THE VIDEOGRAPHER: We are now on the record. My	1        Q. If you ever need to take a break, just let
2   name is Anthony Micheletto. I am a videographer for	2   us know and we can go off the record and take a quick
3   Golkow Litigation Services.	3   break, okay?
4        Today's date is January 25th, 2019. The	4        A. Okay.
5   time is 8:56 a.m., as indicated on the video screen.	5        Q. Can you tell us your full name?
6        This video deposition is being held in	6        A. Sherri Lynn Hinkle.
7   Indianapolis, Indiana, in the matter of In Re National	7        Q. Okay. And where are you from?
8   Prescription Opiate Litigation, for the United States	8        A. Indianapolis, Indiana.
9   District Court for the Northern District of Ohio,	9        Q. Okay. Have you lived your whole life in
10   Eastern Division.	10   Indiana?
11       Our deponent is Sherri Hinkle.	11       A. Yes.
12       Will counsel please identify themselves	12       Q. Okay. And have you ever been deposed
13   for the video record.	13   before?
14       MR. ELSNER: My name is Michael Elsner from	14       A. No.
15   Motley Rice on behalf of Plaintiffs.	15       Q. Okay. Besides your attorney Mr. Hynes,
16       MR. GOETZ: Daniel Goetz on behalf of the	16   did you speak with anyone else about your deposition
17   Plaintiffs.	17   today?
18       MS. HARMON: Sarah Harmon of Armstrong &	18       A. No.
19   Teasdale on behalf of Cardinal Health.	19       Q. Okay. Did you read any depositions that
20       MR. CLARK: Miles Clark, Zuckerman Spaeder, on	20   were taken in this case?
21   behalf of CVS Indiana, LLC, CVS Rx Services, Inc. and	21       A. No.
22   the witness.	22       Q. Okay. Can you describe for me your
23       MR. HYNES: Paul Hynes, Zuckerman Spaeder LLP,	23   educational background?
24   on behalf of same parties.	24       A. I went to high school at -- at Arsenal

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<p>1 Tech here in Indianapolis and I went to Indiana      2 University in Bloomington.      3 Q. All right. Did you graduate with a degree      4 from Indiana University?      5 A. Yes. A general studies degree.      6 Q. A general studies degree.      7 And when was that?      8 A. In '89.      9 Q. Okay. What was your first job after you      10 graduated from the university?      11 A. I worked at a daycare.      12 Q. Okay. How long did you do that?      13 A. Five, six years.      14 Q. All right. And what did you -- so that      15 was about, what, '89 to, what, '93, '94 or something      16 like that?      17 A. '92.      18 Q. '92, okay.      19 What did you do after that?      20 A. I went -- followed CVS.      21 Q. Okay. And in 1992, did you work for CVS      22 or did you work for Revco?      23 A. It was Hooks at the time.      24 Q. Hooks, okay.</p>	<p>1 working for Hooks?      2 A. When I started, I was doing makeup and      3 hair products.      4 Q. Okay. And how long did you work for      5 Hooks?      6 A. It was a year before they switched over to      7 Revco.      8 Q. To Revco, okay.      9 And then when you started at Revco, were      10 you still doing makeup, picking?      11 A. I was still picking, yes.      12 Q. Okay. And -- and the same products?      13 A. Yes.      14 Q. Okay. And how long did you work as a      15 picker at Revco?      16 A. Maybe six months before. Maybe six      17 months.      18 Q. And then it changed over to CVS?      19 A. Yes.      20 Q. Okay. And when it changed to CVS, were      21 you -- were you still working as a picker?      22 A. I -- I was working as a stocker then.      23 Q. As a stocker, okay.      24 Why did that change?</p>
<p>1 A. Hooks at the time.      2 Q. And what were you doing for Hooks?      3 A. I was a picker.      4 Q. A picker. All right.      5 And did Hooks distribute controlled      6 substances?      7 A. I don't know.      8 Q. No.      9 Did Hicks [sic] distribute      10 pharmaceuticals, drugs?      11 A. I don't know.      12 Q. No.      13 So what were you --      14 MR. HYNES: I think she said "I don't know."      15 MR. ELSNER: Oh.      16 MR. HYNES: Did you say "I don't know" or did      17 you say "No"?      18 THE WITNESS: "I don't know."      19 MR. HYNES: Yeah.      20 MR. ELSNER: Oh, I'm sorry. I missed --      21 MR. HYNES: So I think she said -- I think both      22 answers were "I don't know" to those two questions.      23 BY MR. ELSNER:      24 Q. Okay. What were you picking when you were</p>	<p>1 A. Different job position. It came with      2 regular work.      3 Q. And you applied for that?      4 A. Um-hum.      5 Q. Okay. And what were you stocking as a      6 stocker?      7 A. I was stocking in the -- in the Rx      8 department then.      9 Q. Okay. So -- so you were -- by Rx, you      10 mean pharmaceuticals or drugs?      11 A. Um-hum. The pharmaceutical, yes.      12 Q. Okay. And were those controlled      13 substances?      14 A. Yes.      15 Q. Okay. And if I'm right about this, CVS      16 purchased Revco around 1998.      17 Does that sound about right when you --      18 A. I don't remember.      19 Q. Okay. But all of this was in the same      20 building, is that right?      21 A. Yes.      22 Q. Okay. And that's the same building you      23 work today?      24 A. Yes.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. How long did you work as a stocker 2 of drugs for CVS?</p> <p>3 A. Maybe about six -- maybe four, five years.</p> <p>4 I don't remember.</p> <p>5 Q. Okay. And when did -- and -- and then 6 what position did you take?</p> <p>7 A. Inventory control.</p> <p>8 Q. Okay. What is inventory control?</p> <p>9 A. We keep track of all of the products in 10 the Rx department.</p> <p>11 Q. Okay. So it's inventory control for 12 pharmaceuticals, is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Are you responsible for inventory control 15 of any other products?</p> <p>16 A. Because I do the cage now, controlled 17 substances now.</p> <p>18 Q. Okay. I -- I'm going to just focus -- 19 before we get to the cage, I want to just focus on 20 inventory.</p> <p>21 Well -- well, when you started in 22 inventory control, was it in the cage or outside of 23 the cage?</p> <p>24 A. When I first started, it was outside the</p>	<p style="text-align: right;">Page 16</p> <p>1 you started to work with controlled substances?</p> <p>2 A. I don't remember.</p> <p>3 MR. HYNES: Objection to form.</p> <p>4 Go ahead.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I don't remember.</p> <p>7 BY MR. ELSNER:</p> <p>8 Q. Okay. Who told you the procedures of 9 working in the control cage?</p> <p>10 A. I don't remember her name.</p> <p>11 Q. Okay.</p> <p>12 Do you know, did you watch videos or 13 review manuals or did you speak with someone? Was it 14 kind of on-the-job training?</p> <p>15 MR. HYNES: Objection to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't remember.</p> <p>18 BY MR. ELSNER:</p> <p>19 Q. Okay. Were your duties -- describe for me 20 your duties as -- as inventory control for controlled 21 substances.</p> <p>22 A. I keep track of the inventory.</p> <p>23 Q. Okay. And how do you do that?</p> <p>24 A. We do an inventory -- at the end of the</p>
<p style="text-align: right;">Page 15</p> <p>1 cage.</p> <p>2 Q. Okay. Tell me how long you did that.</p> <p>3 A. I still do it. So, almost 20 -- almost 4 15, 16 years, because I still do it now.</p> <p>5 Q. You still do it now?</p> <p>6 A. Um-hum.</p> <p>7 Q. Okay. So when you were doing inventory 8 control for pharmaceuticals, at what -- did it include 9 controlled substances the whole time or when did you 10 start working in controlled substances?</p> <p>11 A. It start that year after.</p> <p>12 Q. A year after?</p> <p>13 A. Um-hum.</p> <p>14 Q. Okay. So what's your best estimate as to 15 the year that that -- that happened? Is it 2000, 16 2001?</p> <p>17 A. Probably 2001.</p> <p>18 Q. 2001, okay.</p> <p>19 And so in 2001, that's the first year you 20 started working with controlled --</p> <p>21 A. Yes.</p> <p>22 Q. -- substances, right?</p> <p>23 Okay. What training did you receive, if 24 any, that was different than your prior training when</p>	<p style="text-align: right;">Page 17</p> <p>1 day, we count -- we do a -- we have to count up all 2 the products in the -- in the CSA cage, in the 3 controlled substances.</p> <p>4 Q. Okay.</p> <p>5 And -- and is that done -- when you 6 started doing that in 2001, was that done by hand?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And what do you -- describe for me that 10 process. Are you -- do you -- given a checklist or do 11 you --</p> <p>12 A. We are given a checklist.</p> <p>13 Q. Okay. And -- and the checklist has a list 14 of every controlled substance in the cage?</p> <p>15 A. Yes, yes.</p> <p>16 Q. Okay. And your job was to go through the 17 cage and check at the end of the day how many -- how 18 many what?</p> <p>19 A. How many pieces are there.</p> <p>20 Q. Pieces.</p> <p>21 Now, when you -- when you are looking at 22 the cage and you are counting pieces, are you looking 23 at the actual drug name or does it have a number or a 24 code --</p>

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1 A. A name. 2 Q. -- or does it have a tub num -- 3 A. It has the name. 4 Q. -- a tub number? 5 A. We look up their names. 6 Q. The num -- the names? 7 A. The names. 8 Q. And so describe for me some of the drugs 9 in the drug control cage, what are their names? 10 A. I can't remember them all, the names. 11 Q. Oh, I wouldn't expect you to remember all 12 of them.  13 There -- how many roughly are there, about 14 a hundred would you say?	1 Q. 2001? 2 A. Um-hum. 3 Q. Maybe I -- maybe my question wasn't clear. 4 My -- what I was asking is, is when you 5 started to work in the control drug cage -- 6 A. Uh-huh. 7 Q. -- in 2001 -- 8 A. Uh-huh. 9 Q. -- what's your best estimate as to how 10 long you worked there before the -- the cage changed 11 size? 12 MR. HYNES: Objection to form.
13 MR. HYNES: Objection. Timeframe. 14 BY THE WITNESS: 15 A. I don't remember. I don't -- I don't 16 remember how many. 17 BY MR. ELSNER: 18 Q. How many are there today? 19 A. I don't know. 20 Q. Well, has it changed widely from when you 21 started in 2001 to today? 22 A. Yes.	13 BY MR. ELSNER: 14 Q. Was it a couple of years or months? 15 A. I don't remember. I don't remember. 16 Q. Well, it wasn't days probably, right? 17 A. No, it wasn't days. 18 Q. Okay. Was it -- was it less or more than 19 five years? 20 A. Yes. Less than five years. 21 Q. Less than five years, okay. 22 So sometime between 2001 and 2006, okay. 23 And when you -- when it moved downstairs, 24 was the room bigger or smaller?
23 Q. Okay. What was the big change? 24 A. The move. It's more space. 1 Q. Let's talk about the control drug cage and 2 the move. 3 When you -- when you started working in 4 the control drug cage in 2001 for CVS, what was the 5 general size of the cage? 6 MR. HYNES: Objection to form. 7 BY THE WITNESS: 8 A. I don't know. 9 BY MR. ELSNER: 10 Q. Is it bigger than this room? 11 A. About the same size as this room. 12 Q. Okay. And when did the -- when did the -- 13 when was there a change in the size of the room? 14 A. When we moved from upstairs to downstairs. 15 Q. Okay. And do you know when that was? 16 A. No. 17 Q. Roughly how long had you worked for CVS in 18 the control drug cage before it changed? 19 Was it a few years or a few months or...? 20 A. The same time. 21 Q. Sorry. 22 A. It's about 2001.	23 A. Bigger. 24 Q. Okay. How much bigger? 1 A. I don't know. 2 MR. HYNES: Objection to form. 3 BY MR. ELSNER: 4 Q. Was it about double the size? 5 A. I don't know. 6 Q. Okay. Do you know why there needed to be 7 more space in the control drug room? 8 A. No, I don't. 9 Q. Let's go back to -- now, did it stay 10 downstairs the whole time or did it move again? 11 A. It's still down there. 12 Q. It's still there, okay. 13 I -- I think we heard some testimony 14 yesterday that at one point in time PSE drugs were 15 located in one cage and all of the other control drugs 16 were located in another -- 17 A. Yes. 18 Q. -- cage, is that true? 19 A. Yes. 20 Q. Is that still true today? 21 A. No. 22 Q. Okay. Was that true just when they were

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<p>1 remodeling the cage or -- or at what point were they 2 separated? 3 MR. HYNES: Objection to form. 4 BY THE WITNESS: 5 A. I don't know. 6 BY MR. ELSNER: 7 Q. Okay. Were you responsible for both the 8 controlled substances and the PSEs? 9 A. Yes. 10 Q. Okay. And so as part of your job in 11 inventory control, you'd have this checklist? 12 A. Yes. 13 Q. And it would include all of the control 14 drugs and the PSEs, is that right? 15 A. Yes. 16 Q. Okay. Was it -- how many pages was the 17 list? 18 A. Maybe two. 19 Q. Two pages. 20 And did it have preprinted information on 21 the page or did you have to write everything in? 22 A. It was already there. 23 Q. It was already there. 24 What -- what was already there?</p>	<p>1 Q. Okay. 2 Where -- where are they in relation to one 3 another? 4 A. The pieces are in front and the cases are 5 at the back. 6 Q. Okay. And does it kind of slide down like 7 this? 8 A. Yeah. 9 Q. Okay. And so the cases that are unpacked, 10 you start counting them, is that right? 11 A. Yes. 12 Q. Okay. And how does it work? Do you 13 just -- can you just walk down an aisle and -- and 14 count the cases, or do you have to walk behind the 15 rack to count them? 16 A. I count from the front. 17 Q. Okay. 18 A. The cases from the front. 19 Q. And how high are they? Are they above 20 your head or at eye level or beneath eye level? 21 A. Eye -- a little above my head. 22 Q. A little above your head, okay. 23 So you go through and you -- and how do 24 you know when you -- I'm sorry. Some of these cra --</p>
<p>Page 23</p> <p>1 A. The name of the drugs and how many cases 2 and pieces are supposed to be on the shelf. 3 Q. Okay. So it had the drug name, and then I 4 think you said how many cases? 5 A. How many cases or pieces. 6 Q. What do you mean by cases? 7 A. When you -- when you -- the cases that we 8 stock on the shelf. 9 Q. Okay. So -- and then -- and then from 10 there you pull out of each case a piece, is that 11 right? 12 A. Yes. 13 Q. Okay. What did you count first, the 14 pieces or the cases? 15 A. I count cases first. 16 Q. Okay. 17 A. Before the pieces. 18 Q. And now are the cases on -- where are the 19 cases held? 20 A. They are on a -- on a pick rack. 21 Q. The cases are on a pick rack too, okay. 22 A. Um-hum. 23 Q. And then where are the pieces held? 24 A. They are also on a pick rack.</p>	<p>Page 25</p> <p>1 some of these questions seem so crazy, but if I had 2 seen it, I would know how to ask a better question. 3 But when you -- when you walk through and 4 you're looking at the cases, how do you know that -- 5 that the case you are looking at is the drug you are 6 trying to identify? 7 Is it -- is it written on there or is 8 there a number code or...? 9 A. It's written and separated. 10 Q. Separated? 11 A. Yeah. 12 Q. Okay. 13 A. Each one is separated and has a name on 14 the front of it. 15 Q. Okay. 16 A. So when the pickers come by, they just 17 know where to pick from. 18 Q. Okay. And what separates the -- 19 A. We have a divider. 20 Q. A divider? 21 A. A long divider. 22 Q. And how wide is the bay or the section 23 that would hold a particular control drug? 24 A. It depends on the size of the box.</p>

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<p>1 Q. Okay. Could it be the length of this 2 table?</p> <p>3 A. The box -- well, I don't think the boxes 4 are that big. Maybe the size of the laptops maybe.</p> <p>5 Q. Of the laptops, okay.</p> <p>6 And what's your best estimate as to the 7 number of control drugs on a page? You said there is 8 about two, two pages.</p> <p>9 Would it be about 50 a page?</p> <p>10 MR. HYNES: Objection to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. I don't know. I don't know how many is on 13 a page.</p> <p>14 BY MR. ELSNER:</p> <p>15 Q. Okay. How long did it take you to do 16 that?</p> <p>17 A. Maybe two-and-a-half hours.</p> <p>18 Q. Two-and-a-half hours?</p> <p>19 A. Um-hum.</p> <p>20 Q. Is that straight or with a break?</p> <p>21 A. I do it straight.</p> <p>22 Q. Get it over with, right?</p> <p>23 A. Yes.</p> <p>24 Q. What time do you start that during the</p>	<p>1 how late -- how many -- late -- how late I get 2 started.</p> <p>3 Q. Right, okay.</p> <p>4 So -- so you come in at 6:00 and you start 5 counting the -- the -- at the time that the pickers 6 are done --</p> <p>7 A. Yes.</p> <p>8 Q. -- whether that's 1:30 or 1:00 or 9 whatever?</p> <p>10 A. Yes.</p> <p>11 Q. Sometimes it might be 2:00 p.m. And then 12 you'll -- and then you'll count until you finish?</p> <p>13 A. Yes.</p> <p>14 Q. And then you go home, is that right?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. How many -- how many people are 17 working in the cage during the day?</p> <p>18 MR. HYNES: Objection to form.</p> <p>19 BY THE WITNESS:</p> <p>20 A. Six.</p> <p>21 BY MR. ELSNER:</p> <p>22 Q. Is that six people today?</p> <p>23 A. It is six pickers, two stockers.</p> <p>24 Q. Six pickers, two stockers.</p>
<p>1 day?</p> <p>2 A. It is at the end of the day. I do my -- I 3 do it at the end of the day.</p> <p>4 Q. And what time is that?</p> <p>5 A. After 2:00.</p> <p>6 Q. A 2:00 p.m.</p> <p>7 So, are there multiple shifts of pickers?</p> <p>8 A. Just one shift.</p> <p>9 Q. One shift.</p> <p>10 And is it during the day?</p> <p>11 A. Yes.</p> <p>12 Q. What time does that shift start?</p> <p>13 A. 5:30.</p> <p>14 Q. 5:30 a.m.</p> <p>15 And that runs until what time?</p> <p>16 A. 1:30.</p> <p>17 Q. 1:30.</p> <p>18 And what time do you come in?</p> <p>19 A. 6:00.</p> <p>20 Q. 6:00 a.m.</p> <p>21 And how late do you work?</p> <p>22 A. Two o'clock.</p> <p>23 Q. 2:00 p.m.</p> <p>24 A. Two o'clock or sometimes 3:00. It depends</p>	<p>1 Is there a checker?</p> <p>2 A. The pick -- the pickers separate. There 3 is, what, two people check, you got twone -- one 4 person picks, two people checks, and they rotate.</p> <p>5 Q. They rotate.</p> <p>6 So it -- a picker could be -- also be a 7 checker?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 Now, that -- you said that's what --</p> <p>11 that -- is there anyone else working in the cage?</p> <p>12 A. No.</p> <p>13 Q. Okay. Is your office in the cage or 14 outside the cage?</p> <p>15 A. Outside the cage.</p> <p>16 Q. Okay. Where in your building is your 17 office?</p> <p>18 A. Like 30, 40 feet from the cage.</p> <p>19 Q. Do you -- do you have a computer and 20 access to the internet?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Have you always had that?</p> <p>23 A. Yes.</p> <p>24 Q. In -- in control invent -- as inventory</p>

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<p>1 control in the control room --</p> <p>2 A. Yes.</p> <p>3 Q. -- or control cage?</p> <p>4 Okay. Do you have any responsibilities</p> <p>5 other than counting and verifying the number of drugs</p> <p>6 in the cage?</p> <p>7 A. I also get outs for the pickers outside of</p> <p>8 the floor module for the regular Rx department. If</p> <p>9 the picker gets to a location and nothing is there, I</p> <p>10 would go get it for them and stock it for them.</p> <p>11 Q. Okay.</p> <p>12 A. If --</p> <p>13 Q. Let -- let me stop that -- I just want to</p> <p>14 make sure I understand.</p> <p>15 So, you do some work for -- for pickers</p> <p>16 outside of the control cage?</p> <p>17 A. Yes.</p> <p>18 Q. And if they can't locate whatever item it</p> <p>19 is they want to pick, they'll call you?</p> <p>20 A. Yes.</p> <p>21 Q. Do they call you or e-mail you or how do</p> <p>22 you get the information?</p> <p>23 A. They just call me.</p> <p>24 Q. They call you.</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. How long does it take you to get</p> <p>3 from your office, sometimes, to the product that you</p> <p>4 are trying to locate?</p> <p>5 A. Maybe five -- maybe five minutes depending</p> <p>6 where it is.</p> <p>7 Q. Okay. What I'm trying to get in terms of</p> <p>8 just a general sense, it's a pretty large building,</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. It is not a tiny place?</p> <p>12 A. No.</p> <p>13 Q. And because in that building you -- CVS</p> <p>14 stocks all of the products that they sell, is that</p> <p>15 right?</p> <p>16 A. Yes.</p> <p>17 MR. HYNES: Objection to form.</p> <p>18 BY MR. ELSNER:</p> <p>19 Q. Everything from toilet paper to</p> <p>20 toothpaste, is that right?</p> <p>21 A. Yes.</p> <p>22 Q. To hair products and shaving products?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Food, is food stocked --</p>
Page 31	Page 33
<p>1 A. Uh-huh.</p> <p>2 Q. And then they say, I can't -- they say</p> <p>3 what? I don't -- I don't -- I can't find this product</p> <p>4 or there is --</p> <p>5 A. I'm out -- I'm out of this product.</p> <p>6 Q. And then you'll go?</p> <p>7 A. I would go look for it.</p> <p>8 Q. Okay. Now, do you physically go look for</p> <p>9 it or do you call?</p> <p>10 A. No, I go physically look for it.</p> <p>11 Q. Okay. How big is the plant, I mean, or</p> <p>12 the facility?</p> <p>13 A. I -- I don't know how big it is.</p> <p>14 Q. Is it -- is it bigger than your house?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. How many -- how -- how much bigger</p> <p>17 than your house?</p> <p>18 A. I don't know. I can't describe it.</p> <p>19 Q. Is it bigger than a football field?</p> <p>20 A. I'm on the other side of the building, so</p> <p>21 I'm not sure the full length of it. I --</p> <p>22 Q. Okay.</p> <p>23 A. -- I don't know.</p> <p>24 Q. Do you do a lot of walking with your job?</p>	<p>1 distributed from there as well?</p> <p>2 A. Certain -- some foods.</p> <p>3 Q. Some foods. Snacks like pretzels and --</p> <p>4 A. Yes.</p> <p>5 Q. -- chips and those kinds of things?</p> <p>6 A. Yes. I don't think chips, but candy.</p> <p>7 Q. Candy, okay.</p> <p>8 And -- and CVS sells all sorts of other</p> <p>9 products, like toys and games. Is that also stocked</p> <p>10 there?</p> <p>11 A. Not -- no, not in our building.</p> <p>12 Q. Okay. You described for me that there</p> <p>13 were six pack -- pickers and two stockers.</p> <p>14 A. Um-hum.</p> <p>15 Q. And I want to make sure I understand what</p> <p>16 the pickers do.</p> <p>17 Walk through for me what the picker does</p> <p>18 when they go into the control drug cage?</p> <p>19 A. I'm not there when they first start. They</p> <p>20 have a headset.</p> <p>21 Q. Well, let me -- let me just stop one</p> <p>22 second.</p> <p>23 Your office is outside the cage?</p> <p>24 A. Um-hum.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. So, are you in the cage with them during 2 the day when they are doing the picking? 3 A. If I have to, if they need me for 4 something, yeah, I go in there. 5 Q. Okay. But if they don't call you in and 6 need you for something, then -- 7 A. I don't go in there. 8 Q. -- then you are basically in your office, 9 correct? 10 A. Yes, on the floor. 11 Q. And on the floor, okay. 12 And so when you go into the control drug 13 cage, that's really at the end of the day. Unless 14 there is some need for you to go in during the day -- 15 A. Yes. 16 Q. -- the general pattern is you go in at the 17 end of the day to do your counting, is that right? 18 A. Yes. 19 Q. Okay. Now, but you worked as a picker, so 20 you have an understanding -- 21 A. Yes. 22 Q. -- of what they do? 23 MR. HYNES: Objection. 24 BY MR. ELSNER:</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Okay. It's not telling you what the -- 2 what the -- what the controlled substance is, it's 3 not -- 4 A. (Shaking head.) 5 Q. Okay. 6 So, when a picker is going through that 7 process, are they picking all of the drugs for an 8 order for one pharmacy? 9 A. Yes, one -- one order for that one drug -- 10 for that -- that one store. 11 Q. For that one store? 12 A. Um-hum. 13 Q. And -- and so they'll start with the first 14 one and they'll -- they'll pick every item -- they'll 15 pick every controlled substance that that 16 pharmacist -- what that CVS Pharmacy has ordered. 17 A. Um-hum. 18 Q. And what do they put the -- the pieces in? 19 A. A green -- a green tote. 20 Q. A green tote. 21 Okay. How big is this tote? 22 A. Maybe about this big. 23 Q. Okay. 24 A. And this wide.</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. So, just describe for me generally what a 2 picker is going to do when they start their shift in 3 the morning? 4 MR. HYNES: Objection to form. 5 BY THE WITNESS: 6 A. We have a headset -- we do -- we -- we are 7 on voice pick, so we put our headsets on and we 8 scan -- we put our names and stuff into our little 9 headset, scan our order. Once we scan our order, our 10 voice pick will tell us what -- what we need -- where 11 we need to go to pick at. 12 BY MR. ELSNER: 13 Q. And what does it say to you where you need 14 to go? 15 A. It would tell us Bay 101, 2B1. 16 Q. Okay. 17 A. And we will pick one piece and we'll tell 18 the -- you'll tell the voice, One pick, and go on to 19 the next one. 20 Q. Okay. And then so the information that 21 you are getting in the headset is a bay number and -- 22 A. Location. 23 Q. -- and -- and the location? 24 A. (Nodding head.)</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Okay. 2 Is it on -- is it on a cart? Do they push 3 it or do they hold it in their hand? 4 A. They have a cart. 5 Q. They have a cart, okay. 6 All right. And so on average, I know it 7 varies depending on the pharmacy, how long does it 8 take for a picker to pick one pharmacy's order? 9 MR. HYNES: Objection to form. 10 BY THE WITNESS: 11 A. I don't know. 12 BY MR. ELSNER: 13 Q. Is it -- is it less than 15 minutes or 14 more than 15 minutes? 15 A. It depends on the size of the order. So 16 it could be less, maybe five minutes. 17 Q. It -- sometimes it could be less than five 18 minutes? 19 A. It could be less than five minutes 20 depending on the size of the order. 21 Q. Sure. 22 Could it be a half hour? 23 A. No. 24 Q. No.</p>

<p style="text-align: right;">Page 38</p> <p>1 A. No.</p> <p>2 Q. What do you think is the maximum amount,</p> <p>3 like the largest pick?</p> <p>4 MR. HYNES: Objection to form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I don't know.</p> <p>7 BY MR. ELSNER:</p> <p>8 Q. Okay. What's the average amount of</p> <p>9 controlled substances that a picker would pick and put</p> <p>10 in the tote for an order?</p> <p>11 MR. HYNES: Objection to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I don't know.</p> <p>14 BY MR. ELSNER:</p> <p>15 Q. Okay.</p> <p>16 But once the picker goes through the whole</p> <p>17 system and picks each of the -- the drugs that they</p> <p>18 are told to pick, what do they do then with the tote?</p> <p>19 A. They set it to the side and a person --</p> <p>20 they don't have -- the picker -- the next picker will</p> <p>21 scan that order to verify everything in that tote is</p> <p>22 correct --</p> <p>23 Q. Okay. And they --</p> <p>24 A. -- and right.</p>	<p style="text-align: right;">Page 40</p> <p>1 practice?</p> <p>2 A. I don't remember.</p> <p>3 Q. Has it been in the last five years?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So prior to -- has it been in the</p> <p>6 last two years or three years?</p> <p>7 A. Five.</p> <p>8 Q. Five, okay.</p> <p>9 So prior to using that process, describe</p> <p>10 for me how a picker would go about picking the drugs</p> <p>11 for each order?</p> <p>12 MR. HYNES: Objection to form.</p> <p>13 BY THE WITNESS:</p> <p>14 A. Then it was like a light, it was a light</p> <p>15 system then.</p> <p>16 BY MR. ELSNER:</p> <p>17 Q. A light system, okay.</p> <p>18 A. Yeah, a light would pull -- a green light</p> <p>19 would show up, tell you to the location and how many</p> <p>20 pieces. Once you picked the right amount, a red --</p> <p>21 you hit the red button, it would take you to the next</p> <p>22 location.</p> <p>23 Q. Okay. So was that in place when you</p> <p>24 started in 2001?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. -- and they do it with a -- with what?</p> <p>2 A. With a scan gun, just like --</p> <p>3 Q. Scan gun.</p> <p>4 A. -- at the store, they scan the products.</p> <p>5 Q. Okay. And verify that it matches the</p> <p>6 list, is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Then what's done with that?</p> <p>9 A. If -- if everything is correct, they scan</p> <p>10 it, the report -- our report will be printed and</p> <p>11 they'll tie their totes up.</p> <p>12 Q. Okay. What do you do with the printed</p> <p>13 report?</p> <p>14 A. They save them and put them in a file.</p> <p>15 Q. Where is that file kept?</p> <p>16 A. I don't know.</p> <p>17 Q. Who is responsible for that file?</p> <p>18 A. I don't know.</p> <p>19 Q. Okay.</p> <p>20 Now, this electronic system, scanning</p> <p>21 system, that hasn't been in place since you started in</p> <p>22 2001, is that right?</p> <p>23 A. It wasn't there.</p> <p>24 Q. Okay. About when did that come into</p>	<p style="text-align: right;">Page 41</p> <p>1 A. It was there in place when I started in</p> <p>2 the Rx department.</p> <p>3 Q. In the Rx department. And remind me of</p> <p>4 that year?</p> <p>5 A. The pharmacy department.</p> <p>6 Q. In the pharmacy department. So back in</p> <p>7 '98?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And I'm sorry again. I -- I know</p> <p>10 it is very clear to you and tedious, but I'm just</p> <p>11 trying to make sure I understand because I have never</p> <p>12 seen it.</p> <p>13 Who programs in what the order is going to</p> <p>14 be?</p> <p>15 A. I don't know.</p> <p>16 Q. I'm sorry. You said?</p> <p>17 A. I don't know.</p> <p>18 Q. You don't know.</p> <p>19 That's not part of your job?</p> <p>20 A. (Shaking head.)</p> <p>21 Q. Does a picker program it in?</p> <p>22 MR. HYNES: Objection to form.</p> <p>23 BY THE WITNESS:</p> <p>24 A. No.</p>

<p style="text-align: right;">Page 42</p> <p>1 BY MR. ELSNER:</p> <p>2 Q. No. Okay.</p> <p>3 All right. So the picker starts and --</p> <p>4 and -- I'm sorry to ask you to describe it for me</p> <p>5 again, but I just don't quite fully understand it.</p> <p>6 A green light would show up in one of the</p> <p>7 bays, is that right?</p> <p>8 A. Um-hum.</p> <p>9 Q. And --</p> <p>10 A. They would -- they would key in the</p> <p>11 order --</p> <p>12 Q. Now were they -- say -- stop there.</p> <p>13 They would key it in into what?</p> <p>14 A. A computer.</p> <p>15 Q. Okay.</p> <p>16 A. They would key the order into the</p> <p>17 computer.</p> <p>18 Q. And the order is a number?</p> <p>19 A. It's a store number.</p> <p>20 Q. A store number, okay.</p> <p>21 So they key in a store number. Okay?</p> <p>22 A. And once they key in the store number, the</p> <p>23 system start lighting up each location.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. Um-hum.</p> <p>2 Q. Okay. And so it lights up green and it</p> <p>3 says four pieces?</p> <p>4 A. Yes.</p> <p>5 Q. And so they pick four pieces and put it</p> <p>6 in?</p> <p>7 A. Hit a red button.</p> <p>8 Q. Okay. Is there any scan of that or no,</p> <p>9 they just --</p> <p>10 A. No.</p> <p>11 Q. -- they put it in. All right.</p> <p>12 They put it in, hit the red button, and</p> <p>13 then the next one lights up, is that right?</p> <p>14 A. Um-hum.</p> <p>15 Q. So the next bay lights up green --</p> <p>16 A. Yes.</p> <p>17 Q. -- they go to that bay, and it says a</p> <p>18 number --</p> <p>19 A. Yes.</p> <p>20 Q. -- 3, 2, 11 --</p> <p>21 A. Yes.</p> <p>22 Q. -- whatever it is.</p> <p>23 Then they pick those, hit the button, and</p> <p>24 then go through the whole process?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. A green light will show up, once you hit</p> <p>2 the number of pieces --</p> <p>3 Q. So --</p> <p>4 A. -- you hit that --</p> <p>5 Q. Sorry, just one second.</p> <p>6 So they would -- they would -- they would</p> <p>7 see all of these lights come on?</p> <p>8 A. One light -- one light at a time.</p> <p>9 Q. Oh, one light at a time.</p> <p>10 A. One light at a time.</p> <p>11 Q. So they would go to the first bay that</p> <p>12 lights up green?</p> <p>13 A. Um-hum.</p> <p>14 Q. And when they arrive, is there a number</p> <p>15 there?</p> <p>16 A. That's the number of -- the number of</p> <p>17 pieces you need to pick.</p> <p>18 Q. The number of pieces you need to pick.</p> <p>19 And how do they see that?</p> <p>20 A. It is right there in front of you. It's a</p> <p>21 little screen --</p> <p>22 Q. That --</p> <p>23 A. -- about this big in front of you.</p> <p>24 Q. On the bay?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Yes.</p> <p>2 Q. Is that right? Okay.</p> <p>3 Now, when that system was in place, when</p> <p>4 they finished all of the picks for a particular</p> <p>5 pharmacy, was then that -- was -- were those picks</p> <p>6 double checked?</p> <p>7 MR. HYNES: Objection to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I wasn't back there in the cage at that</p> <p>10 time, so I don't know.</p> <p>11 BY MR. ELSNER:</p> <p>12 Q. Okay. Well, what about five, six years</p> <p>13 ago?</p> <p>14 MR. HYNES: Objection to form.</p> <p>15 BY MR. ELSNER:</p> <p>16 Q. When you were in -- where you were in</p> <p>17 inven control -- inventory control for controlled</p> <p>18 substances?</p> <p>19 A. Yes, then --</p> <p>20 MR. HYNES: Objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. Yes, then they did check it.</p> <p>23 BY MR. ELSNER:</p> <p>24 Q. They did check it.</p>

<p style="text-align: right;">Page 46</p> <p>1        And was it -- was it again one of the      2 pickers who was working as a checker, too?      3        A. Yes.      4        Q. Okay. And how would they check it?      5        A. I don't understand the question.      6        Q. So when the picker brings the -- brings      7 the tote with all of the items that they've picked for      8 that particular pharmacy's order, when they bring that      9 to the checker, how did the checker check it?      10        Did they pull out each one and -- and --      11 and -- and check it against what?      12        A. The order.      13        Do you mean when they on -- on the light      14 system or the voice system?      15        Q. The light system. I'm sorry.      16        A. I wasn't back there when they did the      17 voice system, so I'm not for sure how they checked it      18 then.      19        Q. Did you mean you weren't back there when      20 they did the light system?      21        A. Not in -- not in the control.      22        Q. Okay. You just said "voice system," so I      23 just -- I wanted to make sure that I -- that the      24 record is clear.</p>	<p style="text-align: right;">Page 48</p> <p>1 over to the voice.      2        Q. I thought you told me, and maybe I      3 misheard you, that the light system came into effect      4 within the last five years?      5        A. When I was -- when I moved up there, it      6 was already in place, when I moved up -- when I went      7 to the Rx department, the light system was already in      8 place.      9        Q. Okay. Right, the light system was already      10 in place.      11        And then it changed to the voice system      12 about five years ago?      13        A. Yes, when they moved downstairs.      14        Q. Okay. Okay.      15        How many -- how many CVS pharmacies does      16 the Indianapolis distribution center distribute      17 control drugs to?      18        A. I don't know.      19        MR. HYNES: Objection to form.      20 BY MR. ELSNER:      21        Q. Do you -- there has been some testimony in      22 this case that that number is about 1500 pharmacies.      23        Does that sound about right?      24        MR. HYNES: Objection to form.</p>
<p style="text-align: right;">Page 47</p> <p>1        A. Yes, it's the system.      2        Q. Right.      3        A. When we started off with -- when I started      4 it had a light system and then it switched to the      5 voice system when they moved downstairs.      6        Q. Okay.      7        So, under the light system, you are not      8 familiar with how the order was checked, is that      9 right?      10        A. No.      11        Q. Because you weren't in the control room?      12        A. No.      13        Q. So, did you enter the control room only      14 when the control moved -- room moved downstairs?      15        A. Yes.      16        Q. Okay. And you -- so you estimated that      17 was about between 2001 and 2006, somewhere in that      18 timeframe?      19        A. Yes.      20        Q. Is that right? Okay.      21        Okay. And so from 2006 -- well, I think      22 you said they used the light system until --      23        A. We moved downstairs, and I'm not sure what      24 year that was when they moved downstairs and switched</p>	<p style="text-align: right;">Page 49</p> <p>1 BY THE WITNESS:      2        A. I don't know.      3 BY MR. ELSNER:      4        Q. You have no idea.      5        And when you say you don't know, does that      6 mean you have no idea the entire time that you've      7 worked in the control, inventory control for the      8 control drug cage?      9        A. I just -- I -- I was not -- I don't know      10 where that comes from.      11        Q. You don't know?      12        A. No.      13        Q. Okay. The -- the orders just populate, I      14 mean, the orders just appear and -- and you run      15 through them, but you don't -- you've never looked at      16 it globally to see how many pharmacies were --      17        A. Right.      18        Q. -- distributing --      19        A. Right.      20        Q. -- controlled substances to?      21        MR. HYNES: Objection to the form.      22 BY MR. ELSNER:      23        Q. Is that right?      24        A. Right.</p>

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<p>1     Q. So, let me go back to the -- to the          2 picking system.          3         When the -- when the picker finishes          4 picking all of the drugs for a particular pharmacy and          5 then those drugs are checked, and the -- and the          6 report is given and the tote is sealed, does the          7 picker go back and start again?          8     A. Start again on a new order.          9     Q. Starts again with a new order, okay.          10       Now, the -- I think you said they -- they          11 start about 5:30 in the morning?          12     A. Um-hum.          13     Q. And it can take anywhere from -- how          14 many -- how many picks do they do roughly in an hour?          15     MR. HYNES: Objection to form.          16 BY THE WITNESS:          17     A. I don't know.          18 BY MR. ELSNER:          19     Q. How many do they do in a day?          20     MR. HYNES: Objection to form.          21 BY THE WITNESS:          22     A. I don't know.          23 BY MR. ELSNER:          24     Q. You said it doesn't take longer than a</p>	<p>1         Do you know whether they're -- whether          2 they are -- they are rated or evaluated as to          3 accuracy?          4     MR. HYNES: Objection form.          5 BY THE WITNESS:          6     A. I don't know.          7 BY MR. ELSNER:          8     Q. Okay. Who -- who does the picker report          9 to?          10     MR. HYNES: Objection to form.          11 BY THE WITNESS:          12     A. Their supervisor.          13 BY MR. ELSNER:          14     Q. Yes. And who is that?          15     A. Right now it is Dennis Wat -- White --          16 Weaver.          17     Q. Weaver.          18         And what's Mr. Weaver's title?          19     A. Supervisor, Rx supervisor.          20     Q. Rx supervisor, is that what you said?          21     A. Um-hum.          22     Q. Okay.          23     A. Pharmacy supervisor.          24     Q. Pharmacy supervisor.</p>
<p>1 half hour to do a pick, right?          2     A. Yes.          3     Q. And is that all the pickers do is pick,          4 except sometimes they also check, but other than that,          5 is that what -- what those people do?          6     A. Yes.          7     Q. They don't have other responsibilities?          8     A. No.          9     MR. HYNES: Objection to form.          10 BY MR. ELSNER:          11     Q. So the whole day they are spending there          12 from 5:30 in the -- the morning until about 1:30 in          13 the afternoon, I assume they get an hour lunch, is          14 that right?          15     A. Yes.          16     Q. But the rest of the time they are either          17 picking or checking.          18         Now, is there any kind of a evaluation of          19 how a picker does their job?          20     MR. HYNES: Objection to the form.          21 BY THE WITNESS:          22     A. I don't know.          23 BY MR. ELSNER:          24     Q. You don't know.</p>	<p>1         Who was it before Mr. Weaver?          2     A. Allen Hanson.          3     Q. How do you spell Henson, H-e --          4     A. Hanson. Hanson, H-a-n-s-o-n, I believe.          5     Q. Okay. And he also was a pharmacy          6 supervisor?          7     A. Yes.          8     Q. Okay. And before Mr. Hanson?          9     A. Dan Deaton.          10     Q. Okay. Also the pharmacy supervisor?          11     A. Yes.          12     Q. And before Mr. Deaton?          13     A. Robert Richardson.          14     Q. All right. Also the pharmacy supervisor?          15     A. Yes.          16     Q. And before Mr. Richardson?          17     A. That I don't know.          18     Q. Do you remember a -- a Gary Lamberth?          19     A. Yes.          20     Q. Was he a pharmacy supervisor?          21     A. Pharmacy manager.          22     Q. Pharmacy manager.          23         So he didn't directly manage -- he was not          24 a -- a pharmacy supervisor that would have managed the</p>

<p style="text-align: right;">Page 54</p> <p>1 pickers, correct?</p> <p>2 A. Not at the -- not at the time I was up 3 there.</p> <p>4 Q. Okay. Not at...</p> <p>5 Now, do you remember any of the other 6 pharmacy supervisors that managed the pickers?</p> <p>7 A. That's all I remember.</p> <p>8 MR. ELSNER: Can we go off the record real 9 quick?</p> <p>10 MR. HYNES: Yeah. Take a quick break?</p> <p>11 MR. ELSNER: Sure.</p> <p>12 THE VIDEOGRAPHER: We are off the record at 13 9:30 a.m.</p> <p>14 (WHEREUPON, a recess was had 15 from 9:30 to 9:38 a.m.)</p> <p>16 THE VIDEOGRAPHER: We are back on the record at 17 9:38 a.m.</p> <p>18 BY MR. ELSNER:</p> <p>19 Q. Ms. Hinkle, before we broke you were 20 giving me a list of the various people who supervised 21 the pickers in the -- in the drug control room at CVS. 22 That was not part of your responsibility, 23 is that right?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 56</p> <p>1 office is in the upper part of the building.</p> <p>2 Q. Okay. Is he all -- so he is not in the Rx 3 department?</p> <p>4 A. No.</p> <p>5 Q. Okay. Do you have any -- anyone who 6 reports to you directly?</p> <p>7 A. No.</p> <p>8 Q. Can you name for me some of the pickers 9 who worked in the control room between 2006 and 2014?</p> <p>10 Do you remember any of their names?</p> <p>11 A. Deb Foster.</p> <p>12 Q. Okay. Now, Deb Foster, is she still 13 working at CVS or no?</p> <p>14 A. She retired.</p> <p>15 Q. She retired.</p> <p>16 When did she retire?</p> <p>17 A. Last December.</p> <p>18 Q. Okay. Anyone else?</p> <p>19 A. Ellen Wilson.</p> <p>20 Q. Okay. Did you say Ellen?</p> <p>21 A. Ellen Wilson.</p> <p>22 Q. Ellen Wilson, okay.</p> <p>23 Is she still working at CVS?</p> <p>24 A. Yes.</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Yes, it was not part of your --</p> <p>2 A. It was not part of my responsibility.</p> <p>3 Q. Okay. And who supervised the stockers in 4 the control room?</p> <p>5 A. The same supervisor.</p> <p>6 Q. The same supervisor.</p> <p>7 So you were not responsible for 8 supervising them either, correct?</p> <p>9 A. Uhn-uhn.</p> <p>10 Q. Okay. Who is your supervisor?</p> <p>11 A. Jimmy Sutton.</p> <p>12 Q. And what -- do you know what Jimmy 13 Sutton's title is?</p> <p>14 A. Inventory control supervisor.</p> <p>15 Q. Okay. Now, is he responsible for all 16 inventory control at the Indianapolis distribution 17 center?</p> <p>18 A. Yes.</p> <p>19 Q. So that includes everything from toilet 20 paper to control drugs?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. What department do you and 23 Mr. Sutton work in?</p> <p>24 A. I work in the Rx department. His -- his</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. In the same job?</p> <p>2 A. A different job.</p> <p>3 Q. A different job.</p> <p>4 What does she do now?</p> <p>5 A. She is IC clerk now, inventory control 6 clerk now.</p> <p>7 Q. Inventory control clerk, okay.</p> <p>8 All right. Anyone else?</p> <p>9 A. Lori Huddleston.</p> <p>10 Q. Is she still working at CVS?</p> <p>11 A. Yes.</p> <p>12 Q. What position is she in now?</p> <p>13 A. She works in the control cage.</p> <p>14 Q. The control cage.</p> <p>15 Also as a picker?</p> <p>16 A. Picker, yes.</p> <p>17 Q. Okay. Anyone else?</p> <p>18 A. In 2006. That's all I can remember from 19 2006.</p> <p>20 Q. Now, I said 2006 through 2014, about four 21 years ago.</p> <p>22 A. The people -- there are some new ones that 23 just got hired.</p> <p>24 Q. Recently?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. I'm not as interested in them.</p> <p>3 When you say got -- "recent," do you mean</p> <p>4 in the last year or two?</p> <p>5 A. Like six months.</p> <p>6 Q. Six months.</p> <p>7 Is there a lot of turnover in the control</p> <p>8 cage?</p> <p>9 MR. HYNES: Objection to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I don't know. I don't know. A lot of</p> <p>12 people retires. A lot of people are retiring.</p> <p>13 BY MR. ELSNER:</p> <p>14 Q. A lot of people retire?</p> <p>15 A. Um-hum.</p> <p>16 Q. I guess what I'm trying to get at is,</p> <p>17 is -- is it fair to say that of the pickers in the</p> <p>18 control room, that they need to be -- we need to find</p> <p>19 a new picker, you know, once a year or once every six</p> <p>20 months or once every five years?</p> <p>21 MR. HYNES: Objection to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I don't know. I really don't.</p> <p>24 BY MR. ELSNER:</p>	<p>1 you go in to count them, are there some -- are there</p> <p>2 some drugs in small bottles and some in big bottles</p> <p>3 and some in very big bottles?</p> <p>4 MR. HYNES: Objection to form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. I don't understand what you are asking me.</p> <p>7 On the totes or on the rack?</p> <p>8 BY MR. ELSNER:</p> <p>9 Q. On the rack.</p> <p>10 A. Oh, different sizes.</p> <p>11 Q. Different sizes, okay.</p> <p>12 And are you familiar with the -- with the</p> <p>13 controlled substance hydrocodone?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. What are the sizes of the</p> <p>16 hydrocodone containers?</p> <p>17 A. I don't remember.</p> <p>18 Q. Okay. How many different hydrocodone</p> <p>19 combination products are contained in the control drug</p> <p>20 cage?</p> <p>21 MR. HYNES: Objection to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. I don't know.</p> <p>24 BY MR. ELSNER:</p>
<p style="text-align: center;">Page 59</p> <p>1 Q. Do you know how long Deb Foster worked in</p> <p>2 the control room?</p> <p>3 A. She -- she worked about 20 years,</p> <p>4 25 years.</p> <p>5 Q. 20, 25 years, okay.</p> <p>6 What about Ellen Wilson?</p> <p>7 A. She was there about 25 years. She just</p> <p>8 switched jobs.</p> <p>9 Q. And Lori Huddleston?</p> <p>10 A. She is still there.</p> <p>11 Q. She is still there.</p> <p>12 What -- do you know how long ago she</p> <p>13 started?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 I want to -- I want to go back to the --</p> <p>17 the tubs and the drugs in the -- in the control cage.</p> <p>18 And the -- each of the drugs are in a</p> <p>19 different size, is that right?</p> <p>20 MR. HYNES: Objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22 A. I don't know.</p> <p>23 BY MR. ELSNER:</p> <p>24 Q. Well, when you go -- when you were -- when</p>	<p style="text-align: center;">Page 61</p> <p>1 Q. There was some testimony yesterday that --</p> <p>2 from one of the pickers, Ms. Wilson.</p> <p>3 Do you know her?</p> <p>4 A. Um-hum.</p> <p>5 Q. Okay. And she worked in the control drug</p> <p>6 cage for a pretty long time, is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And -- and she -- and she testified that</p> <p>10 as a general rule, when it came to hydrocodone, if she</p> <p>11 was pulling the small bottles, she would not pull more</p> <p>12 than 12 of those.</p> <p>13 Have you ever heard of that general rule?</p> <p>14 MR. HYNES: Objection to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. No.</p> <p>17 BY MR. ELSNER:</p> <p>18 Q. Okay. And do you have any sense of how</p> <p>19 many pills were in the small bottles of hydrocodone?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. Do you know the dose of any of the</p> <p>22 hydro combination products?</p> <p>23 MR. HYNES: Objection to form.</p> <p>24 BY THE WITNESS:</p>

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<p>1 A. I don't know.</p> <p>2 BY MR. ELSNER:</p> <p>3 Q. And she said that there were multiple</p> <p>4 small bottles for different hydro combination</p> <p>5 products.</p> <p>6 Is that true?</p> <p>7 MR. HYNES: Objection to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. I don't know.</p> <p>10 BY MR. ELSNER:</p> <p>11 Q. When you're counting, are you -- are you</p> <p>12 looking at a -- at a number or are you looking at a</p> <p>13 bay and a number when you are doing your counts or are</p> <p>14 you looking at the drug name?</p> <p>15 What do you use to verify?</p> <p>16 A. Oh, the drug name.</p> <p>17 Q. The drug name.</p> <p>18 A. Um-hum.</p> <p>19 Q. So, when you were counting when CVS was</p> <p>20 distributing hydrocodone combination products, you</p> <p>21 weren't looking at what bay it was in or what number</p> <p>22 the bay, you were looking at the individual drug name</p> <p>23 for each?</p> <p>24 A. Yeah, the bay and the name of the drug.</p>	<p>1 A. I don't know.</p> <p>2 MR. HYNES: Objection to form.</p> <p>3 BY MR. ELSNER:</p> <p>4 Q. You don't know.</p> <p>5 Do you know how many pills were in the big</p> <p>6 bottles of hydrocodone?</p> <p>7 MR. HYNES: Objection to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. No.</p> <p>10 BY MR. ELSNER:</p> <p>11 Q. Do you know why she was pulling five</p> <p>12 instead of four -- I mean, not willing to pull five</p> <p>13 instead of four bottles or six bottles?</p> <p>14 MR. HYNES: Objection to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I don't know.</p> <p>17 BY MR. ELSNER:</p> <p>18 Q. And -- and I guess, lastly, just to round</p> <p>19 this out, she -- she then testified that for the</p> <p>20 largest bottle of hydrocodone combination products</p> <p>21 that she wouldn't pull more than two or three.</p> <p>22 Have you heard of that as a general rule?</p> <p>23 MR. HYNES: Objection to form.</p> <p>24 BY THE WITNESS:</p>
<p>1 Q. The bay and the name of the drug, okay.</p> <p>2 And there were -- do you recall whether</p> <p>3 there were small bottles, big bottles and bigger</p> <p>4 bottles?</p> <p>5 A. I don't remember.</p> <p>6 MR. HYNES: Objection to form.</p> <p>7 BY MR. ELSNER:</p> <p>8 Q. All right. Do you know why as a general</p> <p>9 rule that she would not generally pull more than</p> <p>10 12 bottles of the small hydrocodone drugs?</p> <p>11 A. I don't know.</p> <p>12 MR. HYNES: Objection to form.</p> <p>13 BY MR. ELSNER:</p> <p>14 Q. You don't know, okay.</p> <p>15 She said that she -- for the big bottles</p> <p>16 of hydrocodone combination products she wouldn't pull</p> <p>17 more than five bottles.</p> <p>18 Do you know why?</p> <p>19 MR. HYNES: Objection to form.</p> <p>20 BY THE WITNESS:</p> <p>21 A. No.</p> <p>22 BY MR. ELSNER:</p> <p>23 Q. Do you know whether that is a general rule</p> <p>24 or not?</p>	<p>1 A. I don't know.</p> <p>2 BY MR. ELSNER:</p> <p>3 Q. Okay. Do you know how many pills are in</p> <p>4 the biggest bottles of hydrocodone?</p> <p>5 MR. HYNES: Objection to form.</p> <p>6 BY THE WITNESS:</p> <p>7 A. No.</p> <p>8 BY MR. ELSNER:</p> <p>9 Q. Do you have any sense at all?</p> <p>10 A. No, I have no idea.</p> <p>11 MR. HYNES: Same objection.</p> <p>12 BY MR. ELSNER:</p> <p>13 Q. Sorry?</p> <p>14 A. I have -- no, I have no idea.</p> <p>15 Q. You have no idea.</p> <p>16 Do you know why she was -- had that</p> <p>17 general rule of two or three instead of one or four?</p> <p>18 A. No.</p> <p>19 MR. HYNES: Objection to form.</p> <p>20 Just give me a second.</p> <p>21 BY MR. ELSNER:</p> <p>22 Q. Were there -- were there any times in</p> <p>23 which a picker brought to your attention an issue with</p> <p>24 an order from a pharmacy?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay. And how would they bring that to</p> <p>3 your attention?</p> <p>4 A. They would call me or come find me.</p> <p>5 Q. Okay. And -- and what -- and then what</p> <p>6 would they say?</p> <p>7 A. They -- they would come and they said it's</p> <p>8 about a big number.</p> <p>9 Q. A big number?</p> <p>10 A. Um-hum.</p> <p>11 Q. Okay. And then what would you do?</p> <p>12 A. I would go to the pharmacy manager, let</p> <p>13 them know that they had a concern about an item. And</p> <p>14 I'll go back to my desk, do my other duties, come back</p> <p>15 and ask him what he wants me to do.</p> <p>16 Q. Okay. Now, when they say "a big number,"</p> <p>17 what -- what do you -- what do you mean by that?</p> <p>18 A. It's an out -- an out of the ordinary.</p> <p>19 Q. Out of the ordinary number.</p> <p>20 So the -- when they would bring the big</p> <p>21 out of -- out of ordinary number to your attention,</p> <p>22 would -- what information would they give you?</p> <p>23 A. They would give me the whole -- give me</p> <p>24 the order with the name of the product in it and how</p>	<p>1 sometime in the last four or five years, is that</p> <p>2 right?</p> <p>3 MR. HYNES: Objection to form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Yes.</p> <p>6 BY MR. ELSNER:</p> <p>7 Q. Okay. Okay.</p> <p>8 So, we are in 2019 now. We are talking</p> <p>9 about -- do you -- what's your best estimate of when</p> <p>10 this happened?</p> <p>11 MR. HYNES: Objection to form.</p> <p>12 BY THE WITNESS:</p> <p>13 A. I'm not sure what you are asking me.</p> <p>14 The voice, when we -- when I was on voice --</p> <p>15 BY MR. ELSNER:</p> <p>16 Q. No, no, no.</p> <p>17 A. -- or when I started?</p> <p>18 Q. No, no. Let me -- let me go back. Let me</p> <p>19 go back. Let me do a better job.</p> <p>20 Okay. So the time that you're</p> <p>21 recalling -- one of the times that you are recalling</p> <p>22 that someone brought to your attention an order that</p> <p>23 was a big number, they brought to you -- it was -- it</p> <p>24 was during the voice system?</p>
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<p>1 many pieces.</p> <p>2 Q. And would they give that to you in</p> <p>3 writing -- how -- in what format?</p> <p>4 A. In hand -- in hand, to hold, they give me</p> <p>5 the order in hand.</p> <p>6 Q. They give you the actual order?</p> <p>7 A. Yes.</p> <p>8 Q. And so when they are -- so at this time</p> <p>9 when they were doing the -- the picking, were you</p> <p>10 using the light system?</p> <p>11 A. It was on voice system.</p> <p>12 Q. I'm sorry?</p> <p>13 A. They were on the voice system then.</p> <p>14 MR. HYNES: Object to form.</p> <p>15 BY MR. ELSNER:</p> <p>16 Q. Okay. So when this occurred, it was</p> <p>17 during the voice system, not --</p> <p>18 MR. HYNES: Objection to form.</p> <p>19 BY MR. ELSNER:</p> <p>20 Q. -- during the light system?</p> <p>21 A. Yes.</p> <p>22 MR. HYNES: Objection to form.</p> <p>23 BY MR. ELSNER:</p> <p>24 Q. Okay. So sometime -- we are talking about</p>	<p>1 A. Yes, when we were downstairs.</p> <p>2 Q. When you are downstairs, okay.</p> <p>3 And they -- and they brought to you a</p> <p>4 physical order?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. So when the picker goes through and</p> <p>7 is picking things, even with the voice system, do they</p> <p>8 also have a hard copy of the order?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So they brought that to you?</p> <p>11 A. Yes.</p> <p>12 Q. And -- and -- and any other information or</p> <p>13 is that it?</p> <p>14 A. That's it.</p> <p>15 Q. Okay. And then when you got that, did you</p> <p>16 then refer that to the pharmacy manager every time</p> <p>17 that happened?</p> <p>18 A. Yes.</p> <p>19 Q. No matter what?</p> <p>20 A. No matter what.</p> <p>21 Q. Okay. Did you yourself do any</p> <p>22 investigation on that order?</p> <p>23 A. No.</p> <p>24 MR. HYNES: Objection to form.</p>

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<p>1 BY MR. ELSNER:</p> <p>2 Q. Okay. You just gave it to the pharmacy 3 manager?</p> <p>4 A. Yes.</p> <p>5 MR. HYNES: Objection to form.</p> <p>6 BY MR. ELSNER:</p> <p>7 Q. Okay. Now, on the occasions when that 8 happened, you gave the information to the pharmacy 9 manager, and then would you do that orally or by phone 10 or hand it to --</p> <p>11 A. I would hand it to him.</p> <p>12 Q. Hand it to him, okay.</p> <p>13 You would go to their office?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. What does the picker do while we 16 are waiting for the resolution of that order?</p> <p>17 A. They would pick another -- they would go 18 to another order.</p> <p>19 Q. They would go back in, start -- start 20 anew.</p> <p>21 So that order is stopped for the moment 22 until we resolve that issue, is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Now, how long did it generally take</p>	<p>1 A. They --</p> <p>2 MR. HYNES: Objection to form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. They would tell me to -- to call the store 5 to verify they want that order, that amount. They 6 would tell me to cut it back or send it. Then I would 7 give -- relay that information back to the pharmacy 8 manager.</p> <p>9 BY MR. ELSNER:</p> <p>10 Q. Okay. So on some occasions they actually 11 asked you to call the store to verify that 12 information, is that right?</p> <p>13 A. Yes.</p> <p>14 Q. And when you called the store, who did you 15 speak with?</p> <p>16 A. I'm not sure who I was speaking to.</p> <p>17 Q. Just whoever -- whoever answered the 18 phone?</p> <p>19 A. (Nodding head.)</p> <p>20 Q. Okay. And what questions would you ask?</p> <p>21 A. I would ask them to -- then I would ask -- 22 I would give them the name of the drug --</p> <p>23 Q. Uh-huh.</p> <p>24 A. -- and the amount that's on the order and</p>
<p>1 the pharmacy manager to evaluate the big number?</p> <p>2 A. I don't know.</p> <p>3 MR. HYNES: Objection to form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't know.</p> <p>6 BY MR. ELSNER:</p> <p>7 Q. Was it -- was it usually evaluated and 8 resolved the same day?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Because it meant that that pharmacy 11 isn't going to get any of their drugs if they don't 12 resolve this issue, is that right?</p> <p>13 MR. HYNES: Objection to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I don't know.</p> <p>16 BY MR. ELSNER:</p> <p>17 Q. You don't know.</p> <p>18 They -- well, were there circumstances in 19 which you recall it would go to the next day or would 20 it always be resolved in a single day?</p> <p>21 A. I don't remember.</p> <p>22 Q. When the pharmacy manager came back, what 23 would they tell you about the resolution of the big 24 number?</p>	<p>1 ask them, Do you want that amount.</p> <p>2 Q. Okay. And they would say yes or no?</p> <p>3 MR. HYNES: Objection to form. Objection to 4 form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. Yes.</p> <p>7 BY MR. ELSNER:</p> <p>8 Q. Did you -- did you do anything else with 9 respect to investigating the order?</p> <p>10 MR. HYNES: Objection to form.</p> <p>11 BY THE WITNESS:</p> <p>12 A. That's it.</p> <p>13 BY MR. ELSNER:</p> <p>14 Q. Okay. You didn't look at how many -- how 15 many orders they placed for that drug in the last six 16 months or the last year?</p> <p>17 A. No.</p> <p>18 Q. You didn't look at how many controlled 19 substances they had ordered versus non-controlled 20 substances?</p> <p>21 MR. HYNES: Objection to form.</p> <p>22 BY THE WITNESS:</p> <p>23 A. No.</p> <p>24 BY MR. ELSNER:</p>

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<p>1 Q. You didn't consider whether the pharmacy      2 was ordering controlled substances from other      3 distributors of controlled substances, right?      4 MR. HYNES: Objection to the form.      5 BY THE WITNESS:      6 A. No.      7 BY MR. ELSNER:      8 Q. Okay. Did you consider the size of the      9 pharmacy that was placing the order?      10 A. No.      11 MR. HYNES: Objection to form.      12 BY MR. ELSNER:      13 Q. Did you consider the location of the      14 pharmacy that was placing the order?      15 A. No.      16 MR. HYNES: Objection to form.      17 BY MR. ELSNER:      18 Q. Now, when the -- when a pharmacy would      19 say, No, I didn't -- I didn't mean to place that order      20 of that size, did that ever occur?      21 A. Yes.      22 Q. Okay. What would you do then?      23 A. I would ask them how many -- how many did      24 they want, cut it -- cut them back and give the</p>	<p>1 A. Yes.      2 MR. HYNES: Objection to form.      3 BY MR. ELSNER:      4 Q. Okay. Now, what -- what would you -- how      5 would you do that? Would you -- would you write it on      6 the sheet? How -- how would you reduce it?      7 MR. HYNES: Objection to form.      8 BY THE WITNESS:      9 A. I would write it on the order --      10 BY MR. ELSNER:      11 Q. Right.      12 A. -- and then give it to my manager -- give      13 it to the pharmacy manager.      14 Q. Pharmacy manager.      15 And do you know what the pharmacy manager      16 did with it?      17 A. I don't know.      18 Q. Would you then tell the -- the picker that      19 the issue is resolved?      20 MR. HYNES: Objection to form.      21 BY THE WITNESS:      22 A. No.      23 BY MR. ELSNER:      24 Q. How -- how would -- what would happen</p>
<p style="text-align: center;">Page 75</p> <p>1 information, bring the information back to my pharmacy      2 manager.      3 Q. Okay. So -- so were there circumstances      4 where somebody kind of mistyped in the number of pills      5 that they wanted to order?      6 A. I don't know.      7 Q. Well, was there -- were -- were there      8 circumstances where there was a really big number and      9 you called and they said, Oh, no, that was a mistake,      10 I must have typed it in wrong?      11 Have you ever heard of the expression "fat      12 finger"?</p> <p>13 A. I heard the expression -- I have heard the      14 expression, yes.</p> <p>15 Q. What's your understanding of that?      16 A. So, they hit the wrong number --      17 Q. Right.      18 A. -- when they were typing it in.      19 Q. Like I do almost every day when I type.      20 A. I've done it before.      21 Q. And -- and when that would happen, you      22 would then reduce the number to the number that      23 they -- they said they intended to order, is that      24 right?</p>	<p style="text-align: center;">Page 77</p> <p>1 after the pharmacy manager received that information      2 from you?      3 A. I would go back to my regular duties, come      4 back later and ask him what he wants me to do.      5 Q. Okay. And then he'd make -- and then he'd      6 tell you?      7 A. To go ahead and do what the -- go ahead      8 and cut it back, what the pharmacy asks.      9 Q. All right. And then how would you make      10 that change in the system?      11 A. I would change on the order --      12 Q. Yes.      13 A. -- mark it out, put the correct amount,      14 what the store asked for, give that order to the      15 pickers, make a copy of it first, tell the pickers      16 what the -- to change the amount to, key it into the      17 computer, make copies of it showing my adjustment in      18 the computer.      19 Q. Okay. And you said you made a photocopy      20 of it as well, is that right?      21 A. Yes.      22 Q. Where did you keep the photocopies?      23 MR. HYNES: Objection to the form.      24 BY MR. ELSNER:</p>

Page 78	Page 80
<p>1 Q. Or did you keep the photocopies?</p> <p>2 A. I didn't. I gave it to the supervisor.</p> <p>3 Q. You gave it to which?</p> <p>4 A. To my -- the manager.</p> <p>5 Q. The pharmacy?</p> <p>6 A. Man -- the pharmacy manager.</p> <p>7 Q. The pharmacy manager.</p> <p>8 You also said you -- you put it in the</p> <p>9 computer, is that what you said?</p> <p>10 A. You have to change -- you have to change</p> <p>11 it in the computer so when they go back to scan the</p> <p>12 order to verify it, it would show up on the computer</p> <p>13 in the system.</p> <p>14 Q. Okay. And you were able to -- to make</p> <p>15 that change in the computer?</p> <p>16 A. Yes.</p> <p>17 Q. Yourself?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And was it documented any other</p> <p>20 way? Is it documented in the computer that that</p> <p>21 change was made?</p> <p>22 A. Yes, it is documented in the computer,</p> <p>23 then the copies and also on the scan report, once they</p> <p>24 are finished, they would scan that order, it would</p>	<p>1 Yes, we actually intended to order the amount that we</p> <p>2 ordered?</p> <p>3 MR. HYNES: Objection to form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Yes.</p> <p>6 BY MR. ELSNER:</p> <p>7 Q. Okay. And in those circumstances, you</p> <p>8 would bring that to the pharmacy manager's attention?</p> <p>9 A. Yes.</p> <p>10 Q. The same, same system, you'd -- you'd --</p> <p>11 you'd -- how would you -- how would you relay that</p> <p>12 information to the pharmacy manager?</p> <p>13 A. I would take him the order, show him the</p> <p>14 order and tell him that they said they wanted all --</p> <p>15 tell him they want them all. And then I would go back</p> <p>16 to my regular duties.</p> <p>17 Q. Okay. Did you write anything other -- was</p> <p>18 it written on the order or you just --</p> <p>19 A. That's it.</p> <p>20 Q. -- you just told him?</p> <p>21 A. I just told him because I didn't have to</p> <p>22 change it because they wanted it all, so I didn't have</p> <p>23 to change anything on the order.</p> <p>24 Q. Okay. What would happen next?</p>
<p>1 show up on that.</p> <p>2 Q. Okay. Now, what would happen when you</p> <p>3 called the store -- did it ever happen when you called</p> <p>4 the store and they said, yes, we actually intended</p> <p>5 to -- to order that amount?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And what would you do when they</p> <p>8 told you that, would you ask -- would you ask them why</p> <p>9 or ask them any other questions?</p> <p>10 A. I would tell my manager supervisor, the</p> <p>11 pharmacy manager.</p> <p>12 Q. Okay. So your conversation with the</p> <p>13 pharmacy when you called was, Is this what you</p> <p>14 intended to actually order or not, yes or no?</p> <p>15 A. Yes.</p> <p>16 MR. HYNES: Objection to form.</p> <p>17 BY MR. ELSNER:</p> <p>18 Q. Would you ask any other questions of the</p> <p>19 pharmacist or anyone else at the pharmacy you spoke</p> <p>20 to?</p> <p>21 A. No.</p> <p>22 Q. Okay. All right.</p> <p>23 So in a situation where -- did it ever</p> <p>24 happen where you called the pharmacy and they said,</p>	<p>1 A. I --</p> <p>2 MR. HYNES: Objection to form.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I would give the order to the man --</p> <p>5 pharmacy supervisor.</p> <p>6 BY MR. ELSNER:</p> <p>7 Q. Okay. And -- and then what would happen?</p> <p>8 A. I would go back to my regular duties.</p> <p>9 Q. Okay. And then would that pharmacy</p> <p>10 supervisor then come back to you?</p> <p>11 A. Yes.</p> <p>12 Q. And -- and what -- what would he say?</p> <p>13 MR. HYNES: Objection to form.</p> <p>14 BY THE WITNESS:</p> <p>15 A. He'd -- he'd tell me to send it or cut it</p> <p>16 back.</p> <p>17 BY MR. ELSNER:</p> <p>18 Q. Okay. Are there circumstances in which he</p> <p>19 said, Yes, send it?</p> <p>20 A. Yes.</p> <p>21 MR. HYNES: Objection to form.</p> <p>22 BY MR. ELSNER:</p> <p>23 Q. And there are circumstances where he said,</p> <p>24 Cut it back?</p>

Page 82	Page 84
<p>1     A. Yes.</p> <p>2     Q. Okay. And then did you receive that</p> <p>3 information orally or did you -- or -- or was it in</p> <p>4 writing?</p> <p>5     A. Orally.</p> <p>6     Q. Orally.</p> <p>7         And then what would you do with the</p> <p>8 information?</p> <p>9     A. I would relay it to the pickers.</p> <p>10    Q. Would you change it in the computer system</p> <p>11 if it needed to be changed?</p> <p>12    A. If it needed to be changed, yes.</p> <p>13    Q. Same system, you'd make a photocopy of the</p> <p>14 change if there was a change?</p> <p>15    A. Yes.</p> <p>16    Q. If there was not a change, if they</p> <p>17 actually intended to do it and the pharmacy supervisor</p> <p>18 said -- came back and said, Fill it as ordered, did</p> <p>19 you do anything different?</p> <p>20    MR. HYNES: Objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22    A. No.</p> <p>23 BY MR. ELSNER:</p> <p>24    Q. Okay. You -- you just told the picker</p>	<p>1 back around 2006 to 2014.</p> <p>2         Is this something that would occur, you</p> <p>3 know, maybe once a quarter or once every six months or</p> <p>4 is this something that would occur every day?</p> <p>5     MR. HYNES: Objection to form.</p> <p>6 BY THE WITNESS:</p> <p>7     A. I don't remember.</p> <p>8 BY MR. ELSNER:</p> <p>9     Q. I know it's hard to remember everything</p> <p>10 that I'm asking, but I really want you to try to do</p> <p>11 your best to tell me, is this something that was a</p> <p>12 routine part of your job that occurred every single</p> <p>13 day?</p> <p>14    MR. HYNES: Objection to form.</p> <p>15 BY THE WITNESS:</p> <p>16    A. Not every single day.</p> <p>17 BY MR. ELSNER:</p> <p>18    Q. Okay. Is it something that was routine</p> <p>19 enough that it occurred once a week?</p> <p>20    MR. HYNES: Objection to form.</p> <p>21 BY THE WITNESS:</p> <p>22    A. Not every week.</p> <p>23 BY MR. ELSNER:</p> <p>24    Q. Not every week.</p>
<p>1         that -- that it was actually the right amount and the</p> <p>2 pharmacy supervisor approved it and go -- you can</p> <p>3 resume picking that pharmacy?</p> <p>4     A. Yes.</p> <p>5     MR. HYNES: Objection to form.</p> <p>6 BY MR. ELSNER:</p> <p>7     Q. Okay. So no changes were made?</p> <p>8     A. No changes.</p> <p>9     Q. Did you ever have conversations with the</p> <p>10 pharmacy manager about why if a pharmacy had placed an</p> <p>11 order and he said, Yes, fill it, did you have a</p> <p>12 conversation as to what the pharmacy meant --</p> <p>13 supervisor did?</p> <p>14    MR. HYNES: Objection to form.</p> <p>15 BY THE WITNESS:</p> <p>16    A. No.</p> <p>17 BY MR. ELSNER:</p> <p>18    Q. Okay. You don't know what the pharmacy</p> <p>19 supervisor considered at all in eval -- making that</p> <p>20 decision, is that right?</p> <p>21    A. No.</p> <p>22    Q. Okay.</p> <p>23         I want to go back and -- and ask your best</p> <p>24 estimate as to how often this would occur, you know,</p>	<p>1         Was it something that was routine enough</p> <p>2 that would occur every month?</p> <p>3     MR. HYNES: Objection to form.</p> <p>4 BY THE WITNESS:</p> <p>5     A. Not every month.</p> <p>6 BY MR. ELSNER:</p> <p>7     Q. Okay.</p> <p>8         So this was more of a sort of out of</p> <p>9 ordinary experience, is that --</p> <p>10    MR. HYNES: Objection to form.</p> <p>11 BY MR. ELSNER:</p> <p>12    Q. -- is that accurate?</p> <p>13    A. Yes.</p> <p>14    Q. Okay. Do you know whether it would occur</p> <p>15 once every six months?</p> <p>16    MR. HYNES: Objection to form.</p> <p>17 BY THE WITNESS:</p> <p>18    A. Maybe.</p> <p>19 BY MR. ELSNER:</p> <p>20    Q. Maybe.</p> <p>21         It could be -- it could be not even once</p> <p>22 every six months, is that right?</p> <p>23    MR. HYNES: Objection to form.</p> <p>24 BY THE WITNESS:</p>

<p style="text-align: right;">Page 86</p> <p>1 A. (Nodding head.)</p> <p>2 BY MR. ELSNER:</p> <p>3 Q. Okay. Are you pretty confident that it</p> <p>4 occurred ev- -- at least there was one every year?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And -- and that's for all of the</p> <p>7 control drugs, is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Now I want to ask you specifically</p> <p>10 for hydrocodone combination products.</p> <p>11 For hydrocodone combination products,</p> <p>12 would there be a question raised with you about a big</p> <p>13 order for those once a year?</p> <p>14 MR. HYNES: Objection to form.</p> <p>15 BY THE WITNESS:</p> <p>16 A. I don't remember.</p> <p>17 BY MR. ELSNER:</p> <p>18 Q. It could be more than that?</p> <p>19 A. I -- I just don't remember.</p> <p>20 Q. Okay. Do you recall whether there were</p> <p>21 any calls that you made related to a hydrocodone</p> <p>22 combination product order?</p> <p>23 MR. HYNES: Objection to form.</p> <p>24 BY THE WITNESS:</p>	<p style="text-align: right;">Page 88</p> <p>1 Do you know whether there was different</p> <p>2 criteria for different drugs in the control drug room?</p> <p>3 MR. HYNES: Objection to form.</p> <p>4 BY THE WITNESS:</p> <p>5 A. I don't know.</p> <p>6 BY MR. ELSNER:</p> <p>7 Q. Do you know whether a CVS picker is</p> <p>8 evaluated based on how -- what their rate of pick is?</p> <p>9 MR. HYNES: Objection to form.</p> <p>10 BY THE WITNESS:</p> <p>11 A. I'm not sure how they are evaluated.</p> <p>12 BY MR. ELSNER:</p> <p>13 Q. Have you ever heard pickers talking about</p> <p>14 how quickly they are able to pick an order?</p> <p>15 A. Do you mean their rate?</p> <p>16 Q. Yeah, I mean how quickly they can -- they</p> <p>17 can pick a pharmacy's order?</p> <p>18 A. No.</p> <p>19 Q. Okay. Do you know whether CVS tracked</p> <p>20 that in any kind of way, the pace at which someone</p> <p>21 would be able to pick an order?</p> <p>22 A. I -- I know they do. I just don't know</p> <p>23 how.</p> <p>24 Q. You -- you know they have a system but you</p>
<p style="text-align: right;">Page 87</p> <p>1 A. I don't remember.</p> <p>2 BY MR. ELSNER:</p> <p>3 Q. When the picker came to you and said that</p> <p>4 this is a -- a big number, did -- did they tell you</p> <p>5 that it was a big number based on the particular size</p> <p>6 of the -- the box of product?</p> <p>7 MR. HYNES: Objection to form.</p> <p>8 BY THE WITNESS:</p> <p>9 A. No.</p> <p>10 BY MR. ELSNER:</p> <p>11 Q. Okay.</p> <p>12 Do you know why the picker determined that</p> <p>13 they thought that what they were asked to pick was a</p> <p>14 big number?</p> <p>15 MR. HYNES: Objection to form.</p> <p>16 BY THE WITNESS:</p> <p>17 A. I don't know.</p> <p>18 BY MR. ELSNER:</p> <p>19 Q. You don't know what the criteria were that</p> <p>20 they used to determine whether it was a --</p> <p>21 A. I don't know the cri- --</p> <p>22 Q. -- big number or not?</p> <p>23 A. I didn't know the criteria they used.</p> <p>24 Q. You didn't know the criteria.</p>	<p style="text-align: right;">Page 89</p> <p>1 are not sure what the system is?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know whether the system is</p> <p>4 electronic or whether -- do they do time studies and</p> <p>5 does someone evaluate that?</p> <p>6 A. I don't know.</p> <p>7 Q. There is -- there is a camera in the</p> <p>8 control room, is that right?</p> <p>9 A. Yes.</p> <p>10 Q. Has it been there the whole time that</p> <p>11 you've served in the inventory control for the con --</p> <p>12 for the control cage?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And do you know who's responsible</p> <p>15 for maintaining the -- the film and how long it's</p> <p>16 kept?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. Is there one camera or more than</p> <p>19 one camera?</p> <p>20 A. More than one.</p> <p>21 Q. Okay. So is there a camera on the door?</p> <p>22 A. I'm not sure it's on the door, but it is</p> <p>23 on the pickers.</p> <p>24 Q. Okay.</p>

<p style="text-align: right;">Page 90</p> <p>1        Do your best to describe for me where the      2 cameras are in the control cage.      3        A. They would be facing them, right here,      4 they would be facing them this way.      5        Q. Okay. And how many would there be?      6        A. I'm not sure how many cameras are there.      7 I think it's one -- I think it's one facing.      8        Q. One camera that does the whole cage?      9        A. It does -- one camera does one side, one      10 does the CSA side and there is a camera that does the      11 PSE side.      12        Q. Okay. So the cage is divided between the      13 controlled substances on one side and the PSEs on      14 another side?      15        A. Yes.      16        Q. Does a picker who is picking a pharmacy      17 order pick both PSEs and controlled substances at one      18 time?      19        A. This -- this -- this has -- one -- this      20 one side picks PSE only, this one side picks CSA      21 only --      22        Q. Okay.      23        A. -- controlled substance only.      24        Q. Okay. There are some pickers who just</p>	<p style="text-align: right;">Page 92</p> <p>1 are asking me.      2        Q. So for each day you had a list of the      3 pharmacy orders -- there was a -- there was a -- there      4 was entered into the system all of the pharmacies that      5 are -- whose orders were going to be filled that day?      6        A. Yes.      7        Q. Is that right?      8                Okay. Do you have any sense of how many      9 pharmacies' orders would be filled in a day?      10        MR. HYNES: Objection to form.      11        BY THE WITNESS:      12        A. No.      13        BY MR. ELSNER:      14        Q. Was it the goal each day to complete all      15 of those orders in that day?      16        A. Yes.      17        Q. Okay. Do you know how often a pharmacy      18 could place an order for controlled drugs?      19        A. I don't know.      20        Q. Do you know whether it could be daily or      21 weekly?      22        MR. HYNES: Objection to form.      23        BY THE WITNESS:      24        A. I don't know.</p>
<p style="text-align: right;">Page 91</p> <p>1 specialize in PSEs and some who specialize just in the      2 controlled substances?      3        A. Yes.      4        MR. ELSNER: Let's take a quick break.      5        MR. HYNES: Sure.      6        THE VIDEOGRAPHER: We are off the record at      7 10:06 a.m.      8                (WHEREUPON, a recess was had      9                          from 10:06 to 10:15 a.m.)      10        THE VIDEOGRAPHER: We are back on the record at      11 10:15 a.m.      12        BY MR. ELSNER:      13        Q. Ms. Hinkle, in the control cage, when the      14 pickers are picking an order for a particular      15 pharmacy, were the pickers trying to pick all of the      16 orders for one particular day and finish those orders      17 in one day?      18        A. I don't --      19        MR. HYNES: Objection to form.      20        BY THE WITNESS:      21        A. Can you say that -- re -- rephrase that.      22        BY MR. ELSNER:      23        Q. Okay.      24        A. I don't understand your question, what you</p>	<p style="text-align: right;">Page 93</p> <p>1 BY MR. ELSNER:      2        Q. You don't know.      3                Did you consider that or examine that when      4 you called the pharmacy?      5        MR. HYNES: Objection to form.      6        BY THE WITNESS:      7        A. No.      8        BY MR. ELSNER:      9        Q. Did -- did you ask them when the last time      10 was that you placed an order for this product?      11        A. No.      12        MR. ELSNER: Okay. I'm going to pass the      13 witness at this time.      14        MR. HYNES: Okay. Can I just have five minutes?      15 I've got to check --      16        MR. ELSNER: Sure.      17        MR. HYNES: -- one thing and then I'll...      18        MR. ELSNER: We're going to go off the record.      19        THE VIDEOGRAPHER: We are off the record at      20 10:16 a.m.      21                (WHEREUPON, a recess was had      22                          from 10:16 to 10:27 a.m.)      23        THE VIDEOGRAPHER: We are back on the record at      24 10:27 a.m.</p>

Page 94	Page 96
1      MR. ELSNER: I -- I pass the witness.	1            DEPOSITION ERRATA SHEET
2      MR. HYNES: I have no -- no questions for the	2
3      witness. Thank you for your time everyone.	3
4      MR. ELSNER: Thank you, Ms. Hinkle.	4      Case Caption: In Re: National Prescription
5      THE WITNESS: Thank you.	5            Opiate Litigation
6      THE VIDEOGRAPHER: We are off the record at	6
7      10:27 a.m. This concludes the videotape deposition of	7      DECLARATION UNDER PENALTY OF PERJURY
8      Sherri Hinkle.	8
9            (Time Noted: 10:27 a.m.)	9      I declare under penalty of perjury that I
10     FURTHER DEPONENT SAITH NOT.	10     have read the entire transcript of my Deposition taken
11	11     in the captioned matter or the same has been read to
12	12     me, and the same is true and accurate, save and except
13	13     for changes and/or corrections, if any, as indicated
14	14     by me on the DEPOSITION ERRATA SHEET hereof, with the
15	15     understanding that I offer these changes as if still
16	16     under oath.
17	17
18	18            SHERRI HINKLE
19	19
20	20     SUBSCRIBED AND SWORN TO
21	21     before me this      day
22	22     of           , A.D. 20___.
23	23
24	24     Notary Public
Page 95	Page 97
1      REPORTER'S CERTIFICATE	1            DEPOSITION ERRATA SHEET
2	2      Page No. ____ Line No. ____ Change to: _____
3      I, JULIANA F. ZAJICEK, C.S.R. No. 84-2604,	3      _____
4      a Certified Shorthand Reporter, do hereby certify:	4      Reason for change: _____
5          That previous to the commencement of the	5      Page No. ____ Line No. ____ Change to: _____
6          examination of the witness herein, the witness was	6      _____
7          duly sworn to testify the whole truth concerning the	7      Reason for change: _____
8          matters herein;	8      Page No. ____ Line No. ____ Change to: _____
9          That the foregoing deposition transcript	9      _____
10        was reported stenographically by me, was thereafter	10     Reason for change: _____
11        reduced to typewriting under my personal direction and	11     Page No. ____ Line No. ____ Change to: _____
12        constitutes a true record of the testimony given and	12     _____
13        the proceedings had;	13     Reason for change: _____
14        That the said deposition was taken before	14     Page No. ____ Line No. ____ Change to: _____
15        me at the time and place specified;	15     _____
16        That I am not a relative or employee or	16     Reason for change: _____
17        attorney or counsel, nor a relative or employee of	17     Page No. ____ Line No. ____ Change to: _____
18        such attorney or counsel for any of the parties	18     _____
19        hereto, nor interested directly or indirectly in the	19     Reason for change: _____
20        outcome of this action.	20     Page No. ____ Line No. ____ Change to: _____
21        IN WITNESS WHEREOF, I do hereunto set my	21     _____
22        hand on this 29th day of January, 2019.	22     Reason for change: _____
23	23     SIGNATURE: _____ DATE: _____
24        JULIANA F. ZAJICEK, Certified Reporter	24        SHERRI HINKLE

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1 DEPOSITION ERRATA SHEET
2 Page No. _____ Line No. _____ Change to: _____
3 _____
4 Reason for change: _____
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22 Reason for change: _____
23 SIGNATURE: _____ DATE: _____
24 SHERRI HINKLE